

Assembly Bill No. 233

CHAPTER 850

An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26838, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 68502.5, 68513, 72054, 72055, 72060, 76000, and 77003 of, to amend, repeal, and add Section 68547 of, to add Sections 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 27081.5, 68073.1, 68085.5, 68088, 72056.01, 76224, 77001, and 77009 to, to add Chapter 14 (commencing with Section 77600) to, Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, to add and repeal Sections 26826.01 and 77201 of, to repeal and add Section 71383 of, and to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1170.45, 1463.010, and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to amend Section 42007 of, and to add Sections 11205.1 and 42007.1 to, the Vehicle Code, relating to trial court funding.

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LEGISLATIVE COUNSEL'S DIGEST

AB 233, Escutia. Trial courts: funding.

(1) Existing law establishes various fees for civil cases.

This bill would revise those fees.

(2) Existing law establishes a system of state funding for trial courts.

This bill would set forth the findings, declarations, and intent of the Legislature with regard to trial court funding and revise the system of state funding for trial courts, as specified. The bill would establish the Task Force on Trial Court Employees and the Task Force on Court Facilities, and specify the powers and duties thereof. The bill would also expand the powers and duties of the Judicial Council with respect to trial court funding, as specified. The bill would also revise provisions governing the Trial Court Trust Fund and the Trial Court Improvement Fund, as specified.

(3) Existing law establishes the duties of a county with respect to the trial courts in the county.

This bill would revise the duties of a county with respect to the provision of necessary resources for the trial courts, as specified.

(4) Existing law authorizes the Judicial Council to adopt rules of court as specified by statute.

This bill would authorize rules of court providing for racial, ethnic, and gender bias, and sexual harassment training for judges, commissioners, and referees. The bill would also revise the duties of the Judicial Council with respect to the collection of court data and reporting thereon.

(5) Existing law establishes the Trial Court Trust Fund for the purpose of funding trial court operations.

This bill would, until July 1, 2001, authorize any unexpended funds, not to exceed \$5,000,000, in the Trial Court Trust Fund for the 1997–98 fiscal year or any other available funds to be allocated by the Judicial Council for trial court facilities renovation, repair, and maintenance projects, as specified, pursuant to appropriation by the Legislature. The bill would also provide that if the county retained share of any specified fines and forfeitures exceeds the amount of the fines and forfeitures collected in that county during the 1994–95 fiscal year, that excess shall be deposited into the Trial Court Trust Fund, up to the amount of any allocation to the county made pursuant to the bill.

The bill would authorize the Administrative Office of the Courts to establish budget procedures and an annual schedule of budget developmental management, as specified, and set forth the criteria for the Judicial Council's trial court budget request.

(6) Under existing law, a judge or justice is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his or her residence.

This bill would, until January 1, 1999, delete reference to justices in this provision, revise the provision to apply to service in a substantial way on that court, and add provisions specifying when a judge of a municipal court is deemed to have served under assignment in the superior court, and requiring the Judicial Council to adopt implementing rules, including criteria for approval of judicial and administrative court coordination plans.

(7) Existing law specifies the authority of the Trial Court Budget Commission.

This bill would provide that the Trial Court Budget Commission shall exercise its authority under the direction of, and with the approval of, the Judicial Council.

(8) Existing law authorizes each county to establish a courthouse construction fund, to be financed by surcharges on fines, forfeitures, and penalties and used for courthouse construction, as specified, and to continue through and including the 20th year after the initial year for the surcharge, or the 20th year after any borrowings are made for such construction.

This bill would extend those time limits with respect to Merced County from 20 to 25 years.

(9) Existing law requires counties to fund the costs of automating court recordkeeping.

This bill would revise those requirements, as specified.

(10) Existing law requires a biennial audit of trial court accounts, as specified.

This bill would repeal that provision.

(11) Existing law specifies the disposition of fines and forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations.

This bill would revise those provisions, as specified.

(12) This bill would establish a Civil Delay Reduction Team, which provisions would remain in effect until July 1, 1999. The bill would also establish a Judicial Administration Efficiency and Modernization Fund in the State Treasury for expenditure by the Judicial Council, as specified.

(13) The bill would impose state-mandated local costs by revising the duties of local officials, but would specify that the bill shall not be deemed to impose a state-mandated local program because of the state's assumption of increased funding support for the trial courts.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as "the Lockyer-Isenberg Trial Court Funding Act of 1997."

SEC. 2. The Legislature finds and declares as follows:

(a) The judiciary of California is a separate and independent branch of government, recognized by the Constitution and statutes of this state as such.

(b) The Legislature has previously established the principle that the funding of trial court operations is most logically a function of the state. Such funding is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification. This decision also reflects the fact that the overwhelming business of the trial courts is to interpret and enforce provisions of state law and to resolve disputes among the people of the State of California.

(c) Structural improvement will provide for an improved court system, a uniform and equitable court system and will, therefore, increase access to justice for the citizens of the State of California. The structural improvements outlined in the Trial Court Realignment and Efficiency Act of 1991, and subsequent measures, have outlined some of the improvements required.

(d) Many trial courts have made significant progress in efficiency through court coordination and in developing cost management and control systems through budget procedures and performance standards. However, this progress is not uniform throughout the court system. The Legislature recognizes that the Judicial Council

has adopted mandatory rules on court coordination and on the development of budget procedures and performance standards requiring more rapid progress in this area. The current bifurcated funding structure does not allow adequate financial planning for the courts, thereby instilling doubt as to the efficacy of new budget procedures or performance standards.

(e) The fiscal health of the judicial system, and the willingness and ability of the judiciary to adopt measures of efficiency and coordination, has a considerable impact on the quality of justice dispensed to the citizens of California.

(f) It is increasingly clear that the counties of California are no longer able to provide unlimited funding increases to the judiciary and, in some counties, financial difficulties and strain threaten the quality and timeliness of justice.

(g) The stated intent of the Legislature to assume the largest share of the funding of the trial courts has not been achieved, primarily due to the recent recession and the resulting limitation of state funds. However, there is a clear need to proceed as rapidly as possible toward the goal of full state funding of trial court operations and, accordingly, this measure is a logical and necessary step to achieve the result.

SEC. 3. The Legislature declares its intent to do each of the following:

(a) Provide state responsibility for funding of trial court operations commencing in the 1997–98 fiscal year.

(b) Provide that county contributions to trial court operations shall be permanently capped at the same dollar amount as that county provided to court operations in the 1994–95 fiscal year with adjustments to the cap, as specified.

(c) Provide that the State of California shall assume full responsibility for any growth in costs of trial court operations thereafter.

(d) Continue to define “court operations” as currently established in law; provided, however, that the Legislature recognizes that there remain issues regarding which items of expenditure are properly included within the definition of court operations. Therefore, the Legislature intends to reexamine this issue during the 1997–98 fiscal year, in the hopes of reflecting any agreed upon changes in subsequent legislation.

(e) Provide that the obligation of counties to contribute to trial court costs shall not be increased in any fashion by state budget action relating to the trial courts.

(f) Return to the counties of California the revenue generated from fines and forfeitures pursuant to Sections 27361 and 76000 of the Government Code, Sections 1463.001, 1463.005, 1463.007, 1463.009, 1463.07, and 1464 of the Penal Code, and Sections 42007 and 42007.1 of the Vehicle Code by the courts of each county. This return will

allow counties the opportunity to obtain sufficient revenue to meet their obligation to the state.

(g) In adopting this plan, the Legislature intends to do all of the following:

(1) To provide that no personnel employed in the court system as of July 1, 1997, shall have their salary or benefits reduced as a result of this act.

(2) By January 1, 2001, to adopt a plan to transition all existing court employees into an appropriate employment status, recognizing the state assumption of trial court costs.

(3) To consider providing courts in each county the option for employees to transition to the status of employees of the state, the local court or, with the concurrence of the county, continuation of the status as county employees, and a mechanism for involvement of the local judiciary in the negotiations regarding compensation of court employees.

(h) Accelerate the pace of court coordination and efficiencies adopted by the Judicial Council and continue the development and implementation of comprehensive budget procedures and performance standards.

(i) Modify Section 68073 of the Government Code to protect counties from liability for state costs resulting from orders made under that section.

(j) Modify Section 68073 of the Government Code to continue the obligation of the counties to provide court facilities to judges and personnel in each county. Require the Judicial Council to report by October 30, 1998, on possible alternatives for the participation by the state in the cost of a new construction, remodeling, or renovation of trial court facilities.

(k) Require the Judicial Council to create a reserve fund of no less than 1 percent of the funds appropriated for trial courts, to be utilized by the Judicial Council to assist financially stressed courts, or those courts affected by natural disaster or courts with a heavily congested calendar that cannot reasonably be resolved by fully utilizing coordination or other court efficiencies and to promote and encourage local and statewide efforts toward efficiency and coordination.

(l) Acknowledge the need for strong and independent local court financial management, including encouraging the adoption by the Judicial Council of a Trial Courts Bill of Financial Management Rights, to be approved no later than January 1, 1998. This bill of management rights shall minimize the rules and regulations in the area of financial affairs to those sufficient to guarantee efficiency, but shall give strong preference to the need for local flexibility in the management of court financial affairs.

SEC. 4. Section 116.230 of the Code of Civil Procedure is amended to read:

116.230. (a) A fee of twenty dollars (\$20) shall be charged and collected for the filing of a claim if the number of claims previously filed by the party in each court within the previous 12 months is 12 or less; and a fee of thirty-five dollars (\$35) shall be collected for the filing of any additional claims.

(b) A fee to cover the actual cost of court service by mail, adjusted upward to the nearest dollar, shall be charged and collected for each defendant to whom the court clerk mails a copy of the claim under Section 116.340.

(c) The number of claims filed by a party during the previous 12 months shall be determined by a declaration by the party stating the number of claims so filed and submitted to the clerk with the current claim.

(d) Five dollars (\$5) of the fees authorized in subdivision (a) shall be deposited upon collection in the special account in the county treasury established pursuant to subdivision (b) of Section 68085 of the Government Code, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

SEC. 5. Section 1852 of the Family Code is amended to read:

1852. (a) There is in the State Treasury the Family Law Trust Fund.

(b) Moneys collected by the state pursuant to subdivision (c) of Section 10605 of the Health and Safety Code, subdivision (a) of Section 26832 of the Government Code, and grants, gifts, or devises made to the state from private sources to be used for the purposes of this part shall be deposited into the Family Law Trust Fund.

(c) Moneys deposited in the Family Law Trust Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).

(d) Money deposited in the Family Law Trust Fund shall be disbursed for purposes specified in this part and for other family law related activities.

(e) Moneys deposited in the Family Law Trust Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate the administration of the fund to the Administrative Office of the Courts.

(f) Any moneys in the Family Law Trust Fund that are unencumbered at the end of the fiscal year are automatically appropriated to the Family Law Trust Fund of the following year.

(g) In order to defray the costs of collection of these funds, pursuant to this section, the local registrar, county clerk, or county recorder may retain a percentage of the funds collected, not to exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section 10605 of the Health and Safety Code.

SEC. 6. Section 26820.4 of the Government Code is amended to read:

26820.4. The total fee for filing of the first paper in a civil action or proceeding in the superior court, except an adoption proceeding, shall be one hundred eighty-five dollars (\$185).

This section applies to the initial complaint, petition, or application, and the papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

SEC. 7. Section 26823 of the Government Code is amended to read:

26823. (a) When the venue in a case is changed, the fee for making up and transmitting the transcript and papers is twenty-three dollars (\$23) and a further sum equal to the total fee for filing in the court to which the case is transferred. The clerk shall transmit the total filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

(b) Notwithstanding Section 68085, fourteen dollars (\$14) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 8. Section 26826.01 is added to the Government Code, to read:

26826.01. (a) The fee for filing an amended complaint or amendment to a complaint in a civil action or proceeding in the superior court is seventy-five dollars (\$75).

(b) The fee for filing a cross-complaint, amended cross-complaint, or amendment to a cross-complaint in a civil action or proceeding in the superior court is seventy-five dollars (\$75).

(c) A party shall not be required to pay the fee provided by this section for an amended complaint, amendment to a complaint, amended cross-complaint, or amendment to a cross-complaint more than one time in any action.

(d) The fee provided by this section shall not apply to any of the following:

(1) An amended pleading or amendment to a pleading ordered by the court to be filed.

(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.

(e) This section shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 26827 of the Government Code is amended to read:

26827. (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the

court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, a petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code (except as provided in Section 13652 of the Probate Code), or a petition to contest any will or codicil is one hundred eighty-five dollars (\$185).

(b) The fee set forth in subdivision (a) shall also be charged for filing any subsequent petition of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner.

SEC. 10. Section 26827.4 of the Government Code is amended to read:

26827.4. (a) The fee for filing a subsequent paper in a proceeding under the Probate Code which requires a court hearing is twenty-three dollars (\$23), except for papers for proceedings required by any of the following:

(1) Section 10501 of the Probate Code.

(2) Accountings of trustees of testamentary trusts that are subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code.

(3) Division 4 (commencing with Section 1400) of the Probate Code.

(b) Objections to any papers exempt from the fee imposed by this section are subject to the filing fee of twenty-three dollars (\$23). This section does not apply to petitions filed pursuant to subdivision (b) of Section 26827.

(c) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee authorized in subdivisions (a) and (b) shall be deposited in the county general fund for use as county general fund revenue.

SEC. 11. Section 26830 of the Government Code is amended to read:

26830. (a) Except as provided in subdivisions (b) and (c), the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or an application for renewal of a judgment, is twenty-three dollars (\$23).

However, there shall be no fee for filing any of the following:

(1) An amended notice of motion.

(2) A memorandum that a civil case is at issue.

(3) A hearing on a petition for emancipation of a minor.

(4) Default hearings.

(5) A show-cause hearing on a petition for an injunction prohibiting harassment.



(6) A show-cause hearing on an application for an order prohibiting domestic violence.

(7) A show-cause hearing on writs of review, mandate, or prohibition.

(8) A show-cause hearing on a petition for a change of name.

(9) A hearing to compromise a claim of a minor or an insane or incompetent person.

(b) The fee for filing a motion for summary judgment or summary adjudication of issues is one hundred dollars (\$100).

(c) The fee for the filing of any motion in small claims court matters is fourteen dollars (\$14), which shall be deposited in the county general fund for use as county general fund revenue.

(d) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee authorized in subdivision (a) and the one hundred dollar (\$100) fee established by subdivision (b) shall be deposited in the county general fund for use as county general fund revenue.

SEC. 12. Section 26832.1 is added to the Government Code, to read:

26832.1. (a) Notwithstanding the fee authorized by Section 26833.1, a fee of five dollars (\$5) shall be paid by a public agency applicant for a certified copy of a marriage dissolution record that the agency is required to obtain in the ordinary course of business. A fee of ten dollars (\$10) shall be paid by any other applicant for a certified copy of a marriage dissolution record. Five dollars (\$5) of any ten dollar (\$10) fee shall be transmitted monthly by each clerk of the court to the state for deposit into the Family Law Trust Fund as provided by Section 1852 of the Family Code.

(b) As used in this section, “marriage dissolution record” means the judgment.

(c) Notwithstanding Section 68085, three dollars (\$3) of the five dollar (\$5) fee and three dollars (\$3) of the ten dollar (\$10) fee authorized in subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.

SEC. 13. Section 26833.1 is added to the Government Code, to read:

26833.1. The fee for certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court is six dollars (\$6). For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 14. Section 26835.1 is added to the Government Code, to read:

26835.1. (a) The clerk of the court shall collect a fee of six dollars (\$6) per signature for any document that is required to be authenticated pursuant to court order.

(b) Each document authenticated by the county clerk shall contain the following statement:

“____, County Clerk and ex officio Clerk of the Superior Court, in and for the County of ____, State of California. Signed pursuant to court order dated ____ in the matter of ____ petitioner v. ____, respondent, Case No. ____.”

(c) Notwithstanding Section 68085, two dollars (\$2) of the fee authorized by subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.

SEC. 15. Section 26836.1 is added to the Government Code, to read:

26836.1. For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 16. Section 26837.1 is added to the Government Code, to read:

26837.1. For comparing with the original on file in the office of the clerk of any court, the copy of any paper, record, or proceeding prepared by another and presented for the clerk's certificate, the fee is one dollar (\$1) per page, in addition to the fee for the certificate. Notwithstanding Section 68085, fifty cents (\$0.50) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 17. Section 26838 of the Government Code is amended to read:

26838. The fee for a certificate required by courts of appeal or the Supreme Court on filing a notice of motion prior to the filing of the record on appeal in the reviewing court is twenty-three dollars (\$23). Notwithstanding Section 68085, fourteen dollars (\$14) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 18. Section 26850.1 is added to the Government Code, to read:

26850.1. For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, the fee is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 19. Section 26851.1 is added to the Government Code, to read:

26851.1. For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law for which a charge is not otherwise prescribed, the fee is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 20. Section 26852.1 is added to the Government Code, to read:

26852.1. The fee for each certificate to the official capacity of any public official is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 21. Section 26853.1 is added to the Government Code, to read:

26853.1. The fee for taking an affidavit, except in criminal cases or adoption proceedings, is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 22. Section 26855.4 is added to the Government Code, to read:

26855.4. The fee for taking acknowledgment of any deed or other instrument, including the certificate, is six dollars (\$6) for each signature. Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 23. Section 26857 of the Government Code is amended to read:

26857. No fee shall be charged by the clerk for service rendered to a defendant in any criminal action or, to the petitioner in any adoption proceeding except as provided in Section 103730 of the Health and Safety Code, nor shall any fees be charged for any proceeding brought pursuant to Section 7841 of the Family Code to declare a minor free from parental custody or control. No fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the national government, nor for any service relating thereto.

SEC. 24. Section 26862 of the Government Code is amended to read:

26862. In any county in which there is a family conciliation court, or in which counties have by contract established joint family conciliation court services, a fee of twenty dollars (\$20) shall be paid to the clerk of the court at the time of filing a motion, order to show cause, or other proceeding seeking to modify or enforce that portion

of any judgment or order entered in this state or any other state which orders or awards the custody of a minor child or children or which specifies the rights of any party to the proceeding to visitation of a minor child or children. Notwithstanding Section 68085, fifteen dollars (\$15) of the fee authorized in this section shall be deposited in the county treasury and shall be used exclusively to pay the costs of maintaining the family conciliation court.

SEC. 25. Section 27081.5 is added to the Government Code, to read:

27081.5. Jury fees shall not be returned in the event the action or proceeding is dismissed or the trial by jury is waived after deposit of jury fees.

SEC. 26. Section 27361 of the Government Code is amended to read:

27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars (\$4) for recording the first page and three dollars (\$3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar (\$1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars (\$3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar (\$1) of each three dollar (\$3) fee for each additional page shall be transmitted by the county auditor monthly to the Controller for deposit in the Trial Court Trust Fund established pursuant to Section 68085.

(c) Notwithstanding Section 68085, one dollar (\$1) for recording the first page and one dollar (\$1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.



SEC. 27. Section 68073 of the Government Code is amended to read:

68073. (a) Commencing July 1, 1997, and each year thereafter, no county or city and county shall be responsible to provide funding for “court operations” as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.

(c) If a county or city and county fails to provide necessary and suitable facilities as described in subdivision (b), the court shall give notice of a specific deficiency. If the county or city and county then fails to provide necessary and suitable facilities pursuant to this section, the court may direct the appropriate officers of the county or city and county to provide the necessary and suitable facilities. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county or city and county treasury and shall be paid out of the general fund.

(d) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, a county or city and county shall solicit the review and comment of the judge or judges of the court affected regarding the adequacy and standard of design, and that review and comment shall not be disregarded without reasonable grounds.

(e) For purposes of this section, “facilities” means: (1) rooms for holding superior and municipal court, (2) the chambers of the judges of the court, (3) rooms for the attendants of the court, and (4) sufficient heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.

(f) This section shall not be construed as authorizing a county, a city and county, a court, or the state to supply to the official reporters of the courts stenography, stenotype, or other shorthand machines; nor as authorizing the supply to the official reporters of the courts, for use in the preparation of transcripts, of typewriters, transcribing equipment, supplies, or other personal property.

SEC. 28. Section 68073.1 is added to the Government Code, to read:

68073.1. (a) All furniture, furnishings, and equipment used solely by a trial court on June 30, 1997, shall become the property of the court unless the county is prohibited from transferring title by a contract, agreement, covenant, or other provision in the law.

(b) Any other furniture, furnishings, or equipment made available by the county or city and county for use by a court on June

30, 1997, shall continue to be made available to the court, unless otherwise agreed in writing by the court and the county or city and county.

(c) The court shall assume all responsibility for any furniture, furnishing, and equipment for which title is transferred to the court or that continues to be made available for use by a court pursuant to this section, including the fiscal responsibility for any rental or lease obligation, the repair, maintenance, and replacement of such furniture, furnishing, and equipment.

SEC. 29. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned in four installments for the purpose of funding trial court operations, as defined in Section 77003.

(2) The quarterly apportionment payments shall be made by the Controller. For fiscal year 1997–98, the Controller shall make the first quarterly apportionment payment within 10 days of the operative date of this section, with subsequent payments due on October 15, January 15, and April 15. In subsequent years, payments shall be due on July 15, October 15, January 15, and April 15.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26831, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5, subdivision (b) of Section 27361, and Sections 68086, 72055, 72056, 72056.01, and 72060.

If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.

(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(f) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(g) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to applicable penalties.

(h) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the courts in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(i) The fourth quarterly payment from the Trial Court Trust Fund for the 1996–97 fiscal year shall be made on or before August 31, 1997.

SEC. 30. Section 68085.5 is added to the Government Code, to read:

68085.5. (a) Notwithstanding Section 68085 and pursuant to appropriation by the Legislature, the Judicial Council may allocate unexpended funds in the Trial Court Trust Fund, or any other funds available for allocation, for the 1997–98 fiscal year for trial court facilities renovation, repair, and maintenance projects approved by the Judicial Council subject to the conditions in subdivision (d). The amount allocated pursuant to this section shall not exceed five million dollars (\$5,000,000).

(b) The Judicial Council is authorized to allocate moneys from the funds specified in subdivision (a) for such projects as may be approved by the Judicial Council, and shall be paid to the county therefor by the Controller.

(c) Notwithstanding Section 68085 and pursuant to appropriation by the Legislature, beginning in the 1998–99 fiscal year and each year thereafter, if the county retained share of any fines and forfeitures collected by the trial courts of a county that receives funds pursuant to subdivision (a) exceeds the fines and forfeitures collected during the 1994–95 fiscal year, the excess fines and forfeitures which would otherwise be retained by the county shall instead be deposited in the

Trial Court Trust Fund up to the amount of any allocation made pursuant to this section.

(d) Projects approved by the Judicial Council pursuant to this section shall meet the following conditions:

(1) The county has an environmental impact review report certified if it is required for the project.

(2) The county board of supervisors has completed and approved the plans and specifications for the project.

(3) The county has completed the architectural design through a request for proposal process for the project.

(4) The county has completed any update of the justice facility master plan that is necessary.

(5) The county has already completed a competitive bid process for the project.

(6) The county has completed any and all land acquisition, including all necessary condemnation and relocation proceedings, for the project.

(7) The county has received Board of Corrections approval for any holding facilities.

(e) Subdivisions (a), (b), and (d) shall become inoperative on July 1, 2001. Subdivision (c) shall become inoperative when all funds allocated to any county pursuant to this section have been repaid.

SEC. 31. Section 68088 is added to the Government Code, to read:

68088. The Judicial Council may provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training for judges, commissioners, and referees.

SEC. 32. Section 68090.8 of the Government Code is amended to read:

68090.8. (a) (1) The Legislature finds that the management of civil and criminal cases, including traffic cases, and the accounting for funds in the trial courts requires these courts to implement appropriate levels of automation.

(2) The purpose of this section is to make a fund available for the development of automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems.

(3) Automated data collection shall provide the foundation for planning, research, and evaluation programs that are generated from within and outside of the judicial branch. This system shall be a resource to the courts, the Judicial Council and its committees, the Administrative Office of the Courts, the Legislature, the Governor, and the public. During the developmental stage and prior to the implementation of the system, the Legislature shall make recommendations to the Judicial Council as to the breadth and level of detail of the data to be collected.

(b) Prior to making any other required distribution, the county treasurer shall transmit 2 percent of all fines, penalties, and forfeitures collected in criminal cases, including, but not limited to, moneys collected pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of this code, Section 13003 of the Fish and Game Code, Section 11502 of the Health and Safety Code, and Chapter 1 (commencing with Section 1427) of Title 11 of Part 2 of the Penal Code, into the Trial Court Improvement Fund established pursuant to Section 77209, to be used exclusively to pay the costs of automating trial court recordkeeping systems. These systems shall meet Judicial Council performance standards, including production of reports as needed by the state, the counties, and local governmental entities.

SEC. 33. Section 68113 of the Government Code is amended to read:

68113. (a) The superior and municipal courts in each county shall submit a report to the Judicial Council on progress towards achieving the cost reduction goals associated with the coordination plans and factors impacting the cost of court operations and the collection of revenues. The report shall also include financial information on expenditures for court operations and revenues according to a uniform chart of accounts adopted by the Judicial Council. The reports shall be submitted quarterly on or before the first day of the third month following the end of the quarter, except the fourth-quarter report shall be submitted on the first day of the fourth month following the end of the fourth quarter.

(b) For purposes of the reporting requirements of this section, a court or courts in a county may petition the Judicial Council to permit division of the court or courts into smaller administrative units corresponding to the organization of the court or courts under a coordination plan where reporting courtwide would impose an undue burden because of the number of judges or the physical location of the divisions of the court or courts.

(c) The Judicial Council shall submit a report to the Legislature on or before February 1 following the end of each fiscal year setting forth all of the following:

(1) The revenues and expenditures for each superior and municipal court in the state and statewide totals.

(2) A summary of the savings achieved by the courts in each county and statewide.

(3) Factors impacting the cost of court operations and the collection of revenues.

SEC. 33.2. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. Under the direction

and with the approval of the Judicial Council, the commission shall have the authority to:

(1) Receive budget requests from the trial courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts. The commission shall consider the counties' comments when determining appropriate budgets for the courts.

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.

(4) Annually prepare a recommended schedule for the allocation of moneys to individual courts and a recommended overall trial court budget for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget. The recommended schedule shall be based on the performance criteria established pursuant to paragraph (2) and on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency and coordination. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

(5) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.

(6) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial



courts by the public, to improve trial court operations, and to meet trial court emergencies.

(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the fiscal year an allocation schedule for quarterly payments to the counties, consistent with Sections 68085 and 77205.1, which shall be submitted to the Controller's office by the 10th day of the month in which payments are to be made.

(8) Establish rules, pursuant to the authority of the Judicial Council, regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

SEC. 33.4. Section 68513 of the Government Code is amended to read:

68513. The Judicial Council shall provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court by means provided for in this section, in addition to any other data relating to court administration, including all of the following:

(a) The category type of civil case, such as contract or personal injury-death-property damage by motor vehicle.

(b) The time from filing of the action to settlement.

(c) The type of settlement procedure, if any, which contributed to the settlement disposition.

(d) The character and amount of any settlement made as to each party litigant, but preserving the confidentiality of such information if the settlement is not otherwise public.

(e) The character and amount of any judgments rendered by court and jury trials for comparison with settled cases.

(f) The extent to which damages prayed for compare to settlement or judgment in character and amount.

(g) The extent to which collateral sources have contributed, or will contribute, financially to satisfaction of the judgment or settlement.

Provision for the uniform entry, storage, and retrieval of court data may be by use of litigant statements or forms, if available, or by collection and analysis of statistically reliable samples.

The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the uniform entry, storage, and retrieval of court data as provided for in this section. The Legislature shall evaluate and adjust the level of funds available to pay the costs of automating trial court recordkeeping systems, pursuant to Section 68090.8, for noncompliance with the requirements of this section.

SEC. 33.6. Section 68547 of the Government Code is amended to read:

68547. (a) For the purposes of this article, a judge is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve in a substantial way on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

(b) A judge of a municipal court is deemed to have served under assignment in the superior court on any day when both of the following applies:

(1) A cross-assignment issued by the Chief Justice is in effect and the judge's workload is assigned pursuant to a judicial and administrative coordination plan approved by the Judicial Council pursuant to procedures set forth in rules of court and consistent with Section 68112.

(2) The Judicial Council has certified that cases in the court's jurisdiction are assigned pursuant to a uniform countywide or regional system for assignment of cases among superior and municipal courts which maximizes the utilization of all judicial officers in that county or region.

(c) The Judicial Council shall adopt rules as necessary to implement this section, including criteria for approval of judicial and administrative coordination plans.

(d) If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

(e) This section shall be repealed on January 1, 1999, unless a later enacted statute enacted before that date extends or deletes that date.

SEC. 33.8. Section 68547 is added to the Government Code, to read:

68547. (a) For the purposes of this article, a judge or justice is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

(b) This section shall become operative on January 1, 1999.

SEC. 34. Section 71383 of the Government Code is repealed.

SEC. 35. Section 71383 is added to the Government Code, to read:

71383. As used in Section 71002, "board of supervisors" means county or city and county.

SEC. 36. Section 72054 of the Government Code is amended to read:

72054. Except as otherwise provided by law, the clerk of the court shall charge the fees prescribed by this article, and the fees prescribed by Sections 26823, 26828, 26829, 26830, 26831, 26832.1, 26833.1, 26834, 26836.1, 26837.1, 26839, 26850.1, 26851.1, 26852.1, 26853.1, 26854, 26855.4, and 26863 for all services to be performed.

SEC. 37. Section 72055 of the Government Code is amended to read:

72055. The total fee for filing of the first paper in a civil action or proceeding in the municipal court, shall be ninety dollars (\$90), except that in cases where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The amount of the demand shall be stated on the first page of the paper immediately below the caption.

This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include

documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

The term “total fee” as used in this section and Section 72056 includes any amount allocated to the Judges’ Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term “total fee” as used in Section 72056 includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code. The term “total fee” as used in this section also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term “total fee.”

The fee shall be waived in any action for damages against a defendant, based upon the defendant’s commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

SEC. 38. Section 72056.01 is added to the Government Code, to read:

72056.01. (a) The fee for filing an amended complaint or amendment to a complaint in a civil action or proceeding in the municipal court is forty-five dollars (\$45).

(b) The fee for filing a cross-complaint, amended cross-complaint or amendment to a cross-complaint in a civil action or proceeding in the municipal court is forty-five dollars (\$45).

(c) A party shall not be required to pay the fee provided by this section for an amended complaint, amendment to a complaint, amended cross-complaint or amendment to a cross-complaint more than one time in any action.

(d) The fee provided by this section shall not apply to either of the following:

(1) An amended pleading or amendment to a pleading ordered by the court to be filed.

(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.

SEC. 39. Section 72060 of the Government Code is amended to read:

72060. The fee for a certificate and transmitting transcript and papers on appeal is ten dollars (\$10). Notwithstanding Section 68085, six dollars (\$6) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SEC. 40. Section 76000 of the Government Code is amended to read:

76000. (a) In each county there shall be levied an additional penalty of seven dollars (\$7) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents (\$2.50). These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this section. Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for each fund for each parking penalty collected on each violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any

fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

(c) The county treasurer shall deposit one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected pursuant to subdivision (b) into the general fund of the county.

SEC. 41. Section 76224 is added to the Government Code, to read:

76224. Deposits to the Courthouse Construction Fund established in Merced County pursuant to Section 76100 shall continue through and including the 25th year after the initial year in which the surcharge is collected or the 25th year after any borrowings are made for any construction under that section, whichever comes later.

SEC. 42. Section 77001 is added to the Government Code, to read:

77001. On or before July 1, 1998, the Judicial Council shall promulgate rules which establish a decentralized system of trial court management. These rules shall ensure:

(a) Local authority and responsibility of trial courts to manage day-to-day operations.

(b) Countywide administration of the trial courts.

(c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:

(1) Annual allocation of funding, including the authority to move funding between functions or line items.

(2) Local personnel systems, including the promulgation of personnel policies.

(3) Processes and procedures to improve court operations and responsiveness to the public.

(4) The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.

(d) Trial court input into the Judicial Council budget process.

(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.

SEC. 43. Section 77003 of the Government Code is amended to read:

77003. (a) As used in this chapter, “court operations” means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior and municipal court judges and for subordinate judicial officers. For purposes of this paragraph, “subordinate judicial officers” include all commissioner or referee positions created prior to July 1, 1997, including those commissioner positions created pursuant to Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support

to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.

(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under the Meyers-Milias-Brown Act with respect to court employees specified in Section 3501.5.

(7) Actual indirect costs for county and city and county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(b) However, “court operations” does not include collection enhancements as defined in Rule 810 of the California Rules of Court as it read on July 1, 1996.

SEC. 44. Section 77009 is added to the Government Code, to read:

77009. (a) For the purposes of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as a special revenue fund. All funds appropriated in the Budget Act and allocated and reallocated to each court in the county by the Judicial Council shall be deposited into the fund. Accounts shall be established in the Trial Court Operations Fund for each trial court in the county, except that one account may be established for courts which have a unified budget. In a county where court budgets include appropriations for expenditures administered on a countywide basis, including, but not limited to, court security, centralized data-processing and planning and research services, an account for each centralized service shall be established and funded from those appropriations.

(b) The moneys of the Trial Court Operations Fund arising from deposits of funds appropriated in the Budget Act and allocated or reallocated to each court in the county by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212. The presiding judge of each court in a county, or his or her designee, shall authorize and direct expenditures from the fund and the county auditor-controller shall

make payments from the funds as directed. Approval of the board of supervisors is not required for expenditure from this fund.

(c) Interest received by a county which is attributable to investment of money required by this section to be deposited in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(d) In no event shall interest be charged to the Trial Court Operations Fund.

(e) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to each court on a pro rata basis in proportion to the total amount allocated to each court in this fund.

(f) A county, or city and county, may bill trial courts within its jurisdiction for costs for services provided by the county, or city and county, as described in Sections 77003 and 77212, including indirect costs as described in paragraph (7) of subdivision (a) of Section 77003 and Section 77212. The costs billed by the county, or the city and the county, pursuant to this subdivision shall not exceed the costs incurred by the county, or the city and the county, of providing similar services to county departments or special districts.

(g) Pursuant to Section 77206, the Controller, at the request of the Legislature or the Judicial Council, may perform financial and fiscal compliance audits of this fund.

(h) The Judicial Council with the concurrence of the Department of Finance and the Controller's office shall establish procedures to implement the provisions of this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(i) The Judicial Council shall study alternative methods for the establishment and management of the Trial Court Operations Fund as provided in this section, and shall report its findings and recommendations to the Legislature not later than November 1, 1998.

SEC. 45. Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of the Government Code is repealed.

SEC. 46. Article 3 (commencing with Section 77200) is added to Chapter 13 of Title 8 of the Government Code, to read:

Article 3. State Finance Provisions

77200. On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996. In meeting this responsibility, the state shall do all of the following:

(a) Deposit in the State Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201.

(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997–98 fiscal year and subsequent fiscal years.

(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial courts of a county be less than the amount remitted to the state by the county in which those courts are located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.

(d) The Judicial Council shall submit its allocation schedule to the Controller at least 15 days before the due date of any allocation.

77201. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) In the 1997–98 fiscal year, each county shall remit to the state in four equal installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 42,045,093
Alpine	46,044
Amador	900,196
Butte	2,604,611
Calaveras	420,893
Colusa	309,009
Contra Costa	21,634,450
Del Norte	780,786
El Dorado	3,888,927
Fresno	13,355,025
Glenn	371,607
Humboldt	2,437,196
Imperial	2,055,173
Inyo	546,508
Kern	16,669,917
Kings	2,594,901
Lake	975,311
Lassen	517,921

Los Angeles	291,872,379
Madera	1,242,968
Marin	6,837,518
Mariposa	177,880
Mendocino	1,739,605
Merced	1,363,409
Modoc	114,249
Mono	271,021
Monterey	5,739,655
Napa	2,866,986
Nevada	815,130
Orange	76,567,372
Placer	6,450,175
Plumas	413,368
Riverside	32,524,412
Sacramento	40,692,954
San Benito	460,552
San Bernardino	31,516,134
San Diego	77,637,904
San Francisco	31,142,353
San Joaquin	9,102,834
San Luis Obispo	6,840,067
San Mateo	20,383,643
Santa Barbara	10,604,431
Santa Clara	49,876,177
Santa Cruz	6,449,104
Shasta	3,369,017
Sierra	40,477
Siskiyou	478,144
Solano	10,780,179
Sonoma	9,273,174
Stanislaus	8,320,727
Sutter	1,718,287
Tehama	1,352,370
Trinity	620,990
Tulare	6,981,681
Tuolumne	1,080,723
Ventura	16,721,157



Yolo	2,564,985
Yuba	842,240

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$12,769,882
Alpine	58,757
Amador	377,005
Butte	1,437,671
Calaveras	418,558
Colusa	485,040
Contra Costa	5,646,329
Del Norte	727,852
El Dorado	1,217,093
Fresno	4,505,786
Glenn	455,389
Humboldt	1,161,745
Imperial	1,350,760
Inyo	878,321
Kern	6,688,247
Kings	1,115,601
Lake	424,070
Lassen	513,445
Los Angeles	89,771,310
Madera	1,207,998
Marin	2,700,045
Mariposa	135,457
Mendocino	948,837
Merced	2,093,355
Modoc	122,156
Mono	415,136
Monterey	3,855,457
Napa	874,219
Nevada	1,378,796
Orange	24,830,542



Placer	2,182,230
Plumas	225,080
Riverside	13,328,445
Sacramento	7,548,829
San Benito	346,451
San Bernardino	11,694,120
San Diego	21,410,586
San Francisco	5,925,950
San Joaquin	4,753,688
San Luis Obispo	2,573,968
San Mateo	7,124,638
Santa Barbara	4,094,288
Santa Clara	15,561,983
Santa Cruz	2,267,327
Shasta	1,198,773
Sierra	46,778
Siskiyou	801,329
Solano	3,757,059
Sonoma	2,851,883
Stanislaus	2,669,045
Sutter	802,574
Tehama	761,188
Trinity	137,087
Tulare	2,299,167
Tuolumne	440,496
Ventura	6,129,411
Yolo	1,516,065
Yuba	402,077

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) that a county is required to submit to the state, pursuant to the following procedures:

(1) A county may submit a declaration to the Department of Finance, no later than February 15, 1998, that declares that (A) the county incorrectly reported county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that incorrect report resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too high, (B) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes amounts that were specifically appropriated, funded and expended by a county or city and county during fiscal year 1994–95 to fund extraordinary one-time expenditures for court operation costs, or (C) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes expenses that were funded from grants or subventions from any source, for court operation costs that could not have been funded without those grants or subventions being available. A county submitting that declaration shall concurrently transmit a copy of the declaration to the courts of that county. The trial courts in a county that submits that declaration shall have the opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine and certify which costs identified in the county's declaration were incorrectly reported as court operation costs or were expended for extraordinary one-time expenditures or funded from grants or subventions in the 1994–95 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount the department certifies was incorrectly reported as court operations costs or were expended for extraordinary one-time expense or funded from grants or subventions in the 1994–95 fiscal year. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) was



adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court's declaration should have been reported by the county as court operation costs in the 1994–95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, or on or before June 30, 1998, whichever is later, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report or that the department shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) was adjusted upward.

(3) A county shall submit a declaration to the Department of Finance, no later than February 15, 1998, that the amount it is required to submit to the state pursuant to paragraph (1) of subdivision (b) either includes or does not include the costs for local judicial benefits which are court operation costs as defined in Section 77003 and Rule 810 of the California Rules of Court. The trial courts in a county that submits such a declaration shall be given a copy of the declaration and the opportunity to comment on the validity of the statements in the declaration. The Department of Finance shall verify the facts in the county's declaration and comments, if any, within 30 days of receipt of the declaration and, upon verification that the amount the county is required to submit to the state includes the costs of local judicial benefits, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the cost of those judicial benefits, in which case the county shall continue to be responsible for the cost of those benefits. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit



to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit.

(d) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(e) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(f) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(g) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996, between the start of the 1997–98 fiscal year and the effective date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997–98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997–98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county's obligation to remit to the state pursuant to this subdivision.

(h) This section shall be repealed on July 1, 1998, unless a later-enacted statute, enacted before that date extends or deletes that date.

77201.1. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1998–99 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal



installments due on October 1, January 1, April 1, and July 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 29,554,276
Alpine	—
Amador	—
Butte	2,188,561
Calaveras	—
Colusa	—
Contra Costa	14,553,828
Del Norte	—
El Dorado	2,642,828
Fresno	11,220,322
Glenn	—
Humboldt	2,023,135
Imperial	1,855,173
Inyo	—
Kern	12,237,358
Kings	1,981,326
Lake	—
Lassen	—
Los Angeles	200,596,408
Madera	1,042,967
Marin	4,727,855
Mariposa	—
Mendocino	1,539,605
Merced	1,163,409
Modoc	—
Mono	—
Monterey	5,539,656
Napa	2,131,045
Nevada	615,130
Orange	52,341,395
Placer	3,928,394
Plumas	—
Riverside	21,226,163

Sacramento	25,798,064
San Benito	—
San Bernardino	22,536,554
San Diego	50,764,874
San Francisco	20,731,433
San Joaquin	7,129,952
San Luis Obispo	4,447,550
San Mateo	13,179,481
Santa Barbara	7,516,435
Santa Clara	32,910,617
Santa Cruz	4,634,736
Shasta	2,750,564
Sierra	—
Siskiyou	—
Solano	6,975,509
Sonoma	6,724,289
Stanislaus	5,872,184
Sutter	1,388,808
Tehama	—
Trinity	—
Tulare	5,252,388
Tuolumne	—
Ventura	11,392,454
Yolo	2,364,984
Yuba	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 9,912,156
Alpine	58,757
Amador	265,707
Butte	1,217,052
Calaveras	310,331
Colusa	397,468
Contra Costa	4,168,194



Del Norte	553,730
El Dorado	1,028,349
Fresno	3,695,633
Glenn	360,974
Humboldt	1,025,583
Imperial	1,144,661
Inyo	614,920
Kern	5,530,972
Kings	982,208
Lake	375,570
Lassen	430,163
Los Angeles	71,002,129
Madera	1,042,797
Marin	2,111,712
Mariposa	135,457
Mendocino	755,680
Merced	1,733,156
Modoc	104,729
Mono	415,136
Monterey	3,330,125
Napa	721,437
Nevada	1,220,686
Orange	19,572,810
Placer	1,243,754
Plumas	193,772
Riverside	7,681,744
Sacramento	6,440,273
San Benito	302,324
San Bernardino	9,092,380
San Diego	16,166,735
San Francisco	4,046,107
San Joaquin	3,562,835
San Luis Obispo	2,036,515
San Mateo	4,831,497
Santa Barbara	3,277,610
Santa Clara	11,597,583
Santa Cruz	1,902,096
Shasta	1,044,700
Sierra	42,533



Siskiyou	615,581
Solano	3,011,833
Sonoma	2,316,999
Stanislaus	1,855,169
Sutter	678,681
Tehama	640,303
Trinity	137,087
Tulare	1,840,422
Tuolumne	361,665
Ventura	4,575,349
Yolo	1,158,629
Yuba	318,242

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) The amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivision (c) of Section 77201 as it read on June 29, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base-year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund

and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base-year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the State General Fund support for the trial courts.

(g) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(h) This section shall become operative on July 1, 1998.

77202. (a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the recommendations of the Trial Court Budget Commission, as approved by the Judicial Council, as specified in paragraph (4) of subdivision (a) of Section 68502.5. The Judicial Council's trial court budget request shall meet the needs of all trial courts in a manner which promotes equal access to the courts statewide. The Judicial Council shall allocate the appropriation to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee access to justice to citizens of the state.

The Judicial Council shall ensure that the recommendations of the commission and the allocations made by the council reward each trial court's implementation of efficiencies and cost saving measures.

These efficiencies and cost saving measures shall include the following:

(1) The use of blanket cross-assignments allowing judges to hear civil, criminal, or other types of cases within the jurisdiction of another court.

(2) The coordinated or joint use of subordinate judicial officers to hear or try matters.

(3) The coordinated or joint use, sharing, or merger of court support staff among trial courts within a county or across counties.

(4) The assignment of civil, criminal, or other types of cases for hearing or trial, regardless of jurisdictional boundaries, to any available judicial officer.

(5) The assignment of any type of case to a judge for all purposes commencing with the filing of the case and regardless of jurisdictional boundaries.

(6) The establishment of a separate calendar or division to hear a particular type of case.

(7) In rural counties, the use of all court facilities for hearings and trials of all types of cases and the acceptance of filing documents in any case before any court in the county participating in the coordination plan.

(8) The coordinated or joint use of alternative dispute resolution programs, such as arbitration.

(9) The unification of the trial courts within a county to the maximum extent permitted by the Constitution.

(10) The development and use of joint automated accounting and case-processing systems.

(b) The Judicial Council shall promulgate rules governing practices and procedures for budgeting in the trial courts in a manner that best ensures the ability of the courts to carry out their functions. The Administrative Office of the Courts, after consultation with the Department of Finance, shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.

77203. The Judicial Council may authorize a trial court to carry unexpended funds over from one fiscal year to the next, provided that the court carrying over the funds has fully implemented all provisions of Rule 991 of the California Rules of Court as it read on July 1, 1996, regarding trial court coordination.

77204. (a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Trust Fund for the purpose of paying legal costs resulting from lawsuits or claims arising out of the actions or conduct of a trial court, trial court bench officer, or trial court employee, and for which the state is named as a defendant or alleged to be the responsible party.

(b) For the purposes of this section, legal costs are further defined to be (1) the state's portion of any agreement, settlement decree, stipulation, or stipulated judgment in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy; (2) the state's portion of any judgment in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy; or (3) the state's portion of any attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees, incurred in an action involving a trial

court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy.

77205. (a) Notwithstanding any other provision of law, in any year in which a county collects and remits fine and forfeiture revenue pursuant to Sections 1463.001, 1463.07, and 1464 of the Penal Code and Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of the Government Code that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the Trial Court Improvement Fund and 50 percent of the excess being deposited into the county general fund. For the purpose of this subdivision, fine and forfeiture revenue shall not include revenue from penalty assessments.

(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fines and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the Trial Court Improvement Fund.

(c) Subject to subdivisions (a) and (b), moneys in the Trial Court Improvement Fund shall be subject to expenditure pursuant to Section 77213.

77206. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the courts, in order to determine all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller shall report the results of these audits to the Legislature.

(d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller.

77207. The Legislature shall appropriate trial court funding. The Controller shall apportion trial court funding payments to the courts pursuant to an allocation schedule adopted by the Judicial Council in

four quarterly installments. Beginning in the 1997–98 fiscal year, the Controller shall make quarterly apportionment payments on July 15, October 15, January 15, and April 15, provided, that if the operative date of this section is less than 10 days prior to July 1, 1997, or thereafter, the Controller shall make the first quarterly apportionment payment within 10 days of the operative date of this section. In subsequent fiscal years, payments shall be due on July 15, October 15, January 15, and April 15.

77208. Amounts appropriated in the annual Budget Act for assigned judges shall be transferred to the Judicial Council on a monthly basis. The Judicial Council shall certify the amount expended for judicial assignment purposes monthly, and the Controller shall transfer to the Judicial Council the amount certified. The amounts so transferred by the Controller shall be credited to the appropriation available to the Judicial Council in augmentation of the Budget Act.

77209. (a) There is in the State Treasury the Trial Court Improvement Fund.

(b) The Judicial Council shall reserve funds for the following projects by allocating 1 percent of the annual appropriation for the trial courts to the Trial Court Improvement Fund as follows:

(1) At least one-half of 1 percent of the total appropriation for trial court operations shall be set aside as a reserve which shall not be allocated prior to March 15 of each year unless allocated to a court or courts for urgent needs.

(2) Up to one-quarter of 1 percent of the total appropriation for trial court operations may be allocated from the fund to courts which have fully implemented the requirements of Rule 991 of the California Rules of Court, as it read on July 1, 1996, and which meet additional criteria as may be established by the Judicial Council.

(3) Up to one-quarter of 1 percent of the total appropriation for trial court operations may be allocated from the fund for statewide projects or programs for the benefit of the trial courts.

(c) Except as specified in this section, the funds in the Trial Court Improvement Fund shall be subject to expenditure as specified in Sections 77205 and 77213. Any funds in the Trial Court Improvement Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the Trial Court Improvement Fund for the following fiscal year.

(d) Moneys deposited in the Trial Court Improvement Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (e).

(e) Moneys deposited in the Trial Court Improvement Fund may be disbursed for purposes of this section.

(f) Moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated recordkeeping system improvements pursuant to that

section and in furtherance of Rule 991 of the California Rules of Court, as it read on July 1, 1996.

(g) Moneys deposited in the Trial Court Improvement Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.

(h) Notwithstanding other provisions of this section, the 2 percent automation fund moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to individual courts of the counties for deposit in the Trial Court Operations Fund of the county from which the money was collected in an amount not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95. The Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, the term “2 percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996.

(i) The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.

77210. (a) The state shall provide municipal court judges retired under the Judges’ Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.

(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

77211. Any trial court may establish a “900” telephone number or numbers for traffic, misdemeanor, and other telephonic arraignment, for court scheduling, and for rendering tentative civil decisions, provided the court provides an alternative method of obtaining the service or information in a free and timely manner, and informs individuals of this alternative in the message preceding the “900” information. The proceeds from these “900” telephone numbers shall be continuously and solely appropriated to the use of that court for staff, information, and data-processing services for the purposes specified in this section.

77212. (a) The State of California, the Counties of California, and the Trial Courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the



activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997–98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall continue to use, county services provided to the trial courts on July 1, 1997, including, but not limited to: auditor/controller services, coordination of telephone services, data-processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in the fiscal year 1994–95, the court may seek adjustment of the amount the county is required to submit to the state pursuant to paragraph (2) of subdivision (c) of Section 77201.

(b) In fiscal year 1998–99 commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available from the county or other entities that provide such services. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In fiscal year 1998–99, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data-processing systems financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition.

77213. (a) There is in the State Treasury the Judicial Administration Efficiency and Modernization Fund.

(b) Moneys deposited into this fund shall be administered by the Judicial Council, subject to appropriation by the Legislature. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund may be expended to promote improved access, efficiency, and effectiveness in trial courts that have unified to the fullest extent permitted by law. Moneys in the fund may be expended

to implement projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects. Projects approved by the Judicial Council may include, but are not limited to, the following:

(1) Support the payment for cost of judicial officers or court staff who participate in in-state education programs, or to support local trial court education programs.

(2) Improved technology including information systems programming or equipment upgrades that meet standards approved by the Judicial Council and that promote efficiency and access to justice, or other technology that promotes access, efficiency, or security.

(3) Retain experienced jurists by establishing incentives of enhanced judicial benefits and educational sabbaticals, not to exceed 120 days every five years, as provided for by rules of court adopted by the Judicial Council.

(4) Acquire improved legal research through the use of law clerks or technology.

(c) Annually, the Judicial Council shall adopt criteria, timelines, and procedures for the allocation of funds to support activities for the benefit of qualified courts. The Judicial Council may allocate funding to pay program costs directly, contract with courts, and permanently reallocate funding to courts subject to the following limitations:

(1) Not more than 20 percent of the fund may be permanently reallocated pursuant to paragraph (1) of subdivision (b). The Judicial Council shall develop a plan which will permit the extension of the benefits to all judges of the state at such time when the trial courts of all counties have unified to the maximum extent permitted by law.

(2) Not more than 40 percent may be permanently reallocated to trial courts for any other purpose approved by the Judicial Council.

(3) The Judicial Council shall retain at least 40 percent of the funding to support annual allocations for improvement projects and programs in qualifying courts.

(4) Written notice shall be given to the Director of the Department of Finance and the Joint Legislative Budget Committee of any permanent reallocation.

(d) Except as specified in this section, the funding in the Judicial Administration Efficiency and Modernization Fund shall be subject to the expenditures as specified in Section 77205. Any funds in the Judicial Administration Efficiency and Modernization Fund that are unencumbered at the end of the fiscal year shall be retained in the Judicial Administration Efficiency and Modernization Fund for the following fiscal year.

(e) Moneys deposited in the Judicial Administration Efficiency and Modernization Fund shall be placed in an interest-bearing

account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (f).

(f) Money deposited in the Judicial Administration Efficiency and Modernization Fund may be disbursed for purposes of this section.

SEC. 47. Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of the Government Code is repealed.

SEC. 48. Chapter 14 (commencing with Section 77600) is added to Title 8 of the Government Code, to read:

CHAPTER 14. TRIAL COURT FUNDING AND IMPROVEMENT ACT OF
1997

Article 1. The Task Force on Trial Court Employees

77600. The Task Force on Trial Court Employees shall be established pursuant to this article on or before January 1, 1998, and is charged with recommending an appropriate system of employment and governance for trial court employees.

77601. The task force shall be comprised of the following members:

(a) Four representatives of trial courts, appointed by the Chief Justice, representing two urban, one suburban, and one rural courts.

(b) Four representatives of counties, appointed by the Governor from a list of nominees submitted by the California State Association of Counties, representing urban, suburban, and rural counties.

(c) Three representatives appointed by the Senate Rules Committee, at least two of whom shall represent trial court employee organizations.

(d) Three representatives appointed by the Speaker of the Assembly, at least two of whom shall represent trial court employee organizations.

(e) The Director of the Department of Personnel Administration or his or her representative.

(f) The Chief Executive Officer of PERS or his or her representative.

(g) The Director of Finance or his or her representative.

(h) The Chief Justice shall designate a justice of the court of appeal as nonvoting chairperson.

77602. The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force, which shall include input from and approval of the task force. The Department of Personnel Administration, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.

77603. The duties of the task force shall include, but not be limited to, the following:

(a) Complete a survey of all trial courts regarding court employee status, classification, and salary.

(b) Document the local retirement systems in which trial court employees are members and the terms of the systems, and identify future retirement options.

(c) Determine the costs associated with a change in retirement benefits for court employees, including the cost to counties resulting from such change, including, but not limited to, the impact of such a change on pension obligation bonds, unfunded liabilities, and changes in actuarial assumptions.

(d) Document existing contractual agreements and the terms and conditions of employment, and document exclusive bargaining agents representing court employees by court, county, and unit.

(e) Document existing constitutional, statutory, and other provisions relating to classification, compensation, and benefits of court employees.

(f) Identify functions relating to trial courts that are provided by county employees.

(g) Examine and outline issues relating to the establishment of a local personnel structure for trial court employees under (1) court employment, (2) county employment, with the concurrence of the county and the courts in the county (3) state employment with the concurrence of the state and the courts in the county, or (4) other options identified by the task force. The task force, in recommending options for employee status, shall consider the complexity of the interests of employees and various governmental entities. Their recommendations shall, to the greatest extent possible, recognize the need for achieving the concurrence of the affected parties.

In outlining these issues, consideration shall be given to contractual obligations, minimizing disruption of the trial court work force, and protecting the rights accrued by employees under their current systems.

(h) Prepare a method for submitting the issue of employment status to an advisory vote of trial court employees in each county.

(i) Recommend a personnel structure for trial court employees.

77604. (a) The task force shall be appointed by October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.

(c) The task force shall submit an interim report to the Judicial Council, the Legislature, and the Governor on or before January 30, 1999. The report shall include the findings and recommendations of the task force with respect to the issues listed in Section 77603. The report shall be circulated for comment to the counties, judiciary, the Legislature, the Governor, and local and state employee organizations.

(d) The task force shall submit a final report to the above on or before June 1, 1999.

77605. (a) After giving consideration and due weight to the report of the task force, on or before January 1, 2000, the Judicial Council shall submit findings and recommendations to the Legislature relative to the establishment of a system of uniform court employee classifications, which may provide for local flexibility. These classifications shall include duty statements, minimum qualifications, and salary ranges. The classifications shall be broad enough so that the employees and their managers have maximum flexibility to accommodate the needs of the courts and the employees.

(b) It is the intent of the Legislature to enact a personnel system, that shall take effect on or before January 1, 2001, for employment of trial court employees. The personnel system shall have uniform statewide applicability and promote organizational and operational flexibility in accordance with Section 77001.

(c) Nothing herein is intended to prejudice or compel a finding by the task force that court or county or state employment is preferred.

(d) No provision of this article is intended to reduce judicial or court employee salary or benefits.

(e) No provision of this act shall be deemed to affect the current employment status of, or reduce benefits for, any peace officer involved in court operations.

77606. The recommendations of the task force shall take effect only upon subsequent action of the Legislature.

Article 2. The Task Force on Court Facilities

77650. The Task Force on Court Facilities is hereby established in state government and charged with identifying the needs related to trial and appellate court facilities, and options and recommendations for funding court facility maintenance, improvements, and expansion, including the specific responsibilities of each entity of government.

77651. The task force shall be composed of 18 members, appointed as follows:

(a) Six members appointed by the Chief Justice who shall be from urban, suburban, and rural courts. Four representatives may be either trial court judges or trial court administrators. One representative shall be a justice of the courts of appeal.

(b) Six members appointed by the Governor from a list of nominees submitted by the California State Association of Counties, who represent urban, suburban, and rural counties. Four representatives may be either county supervisors or county administrators. One representative shall be a person with court security responsibility.

(c) Two members appointed by the Senate Rules Committee, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).

(d) Two members appointed by the Speaker of the Assembly, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).

(e) The Director of General Services and the Director of Finance.

(f) The Chief Justice shall designate one of these representatives as the chairperson of the task force.

77652. The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force. The Department of General Services, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.

77653. The duties of the task force shall include all of the following:

(a) Document the state of existing court facilities.

(b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.

(c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.

(d) Examine existing standards for court facility construction.

(e) Document the impacts of state actions on court facilities and other state and local justice system facilities.

(f) Review and recommend operational changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.

(g) Review and provide recommendations on concepts regarding security; operational flexibility; alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities.

(h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.

(i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.

77654. (a) The task force shall be appointed on or before October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.

(c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities on or before July 1, 1998.

(d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a first interim report on or before July 1, 1999. The report shall document all of the following:

- (1) The state of existing court facilities.
- (2) The need for new or modified court facilities.
- (3) The currently available funding options for constructing or renovating court facilities, and the task force plan for the succeeding year.

(e) The task force shall submit a second interim report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2000. The report shall document all of the following:

- (1) The impact which creating additional judgeships has upon court facility and other justice system facility needs.
- (2) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.
- (3) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.

(f) The task force shall submit a third interim report to the Judicial Council, the Legislature, and the Governor on or before January 1, 2001. The report shall include all of the following:

- (1) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility.
- (2) A proposed transition plan if responsibility is to be changed.
- (3) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.

(g) All interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task force may also circulate these reports to users of the court facilities.

(h) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.

(i) Notwithstanding any other provision of law, during the period from July 1, 1997 to June 30, 2001, the board of supervisors of each county shall be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judicial positions created prior to January 1, 1996, to the extent required by Section 68073. The board of supervisors of each county shall also be responsible for providing suitable and necessary facilities for judicial

officers and court support staff for judgeships authorized by statutes chaptered in 1996 to the extent required by Section 68073, provided that the board of supervisors agrees that new facilities are either not required or that the county is willing to provide funding for court facilities. Unless a court and a county otherwise mutually agree, the state shall assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to June 30, 2001.

77655. Notwithstanding any other provision of law, including Section 68073, the findings of the task force shall not be considered or entered into evidence in any action brought by trial courts to compel a county to provide facilities that the trial court contends are necessary and suitable.

SEC. 48.5. Section 1170.45 is added to the Penal Code, to read:

1170.45. The Judicial Council shall collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereon to the Legislature beginning no later than January 1, 1999. It is the intent of the Legislature to appropriate funds to the Judicial Council for this purpose.

SEC. 49. Section 1463.001 of the Penal Code is amended to read:

1463.001. Except as otherwise provided in this section, all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrest not included in paragraph (1), shall be transferred into the proper funds of the county.

In any fiscal year that a county, which has an agreement that was in effect as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, does not remit to the General Fund an amount equal to the amount transmitted during the 1993–94 fiscal year, that county shall make a payment from county funds equal to the difference to the General Fund by October 1 of the subsequent fiscal year.

(3) Base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be

transferred into the proper funds of the county. Until July 1, 1998, the remainder of base fines resulting from city arrests shall be divided between each city and county, with 50 percent deposited to the county's general fund, and 50 percent deposited to the treasury of the appropriate city, and thereafter the remainder of base fines resulting from city arrests shall be deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section.

(d) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1992, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

(e) Any amounts remitted to the county from amounts collected by the Franchise Tax Board upon referral by a county pursuant to Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code shall be allocated pursuant to this section.

SEC. 50. Section 1463.003 of the Penal Code is repealed.

SEC. 51. Section 1463.005 of the Penal Code is amended to read:

1463.005. Notwithstanding Section 1463.001, in a county subject to Section 77202.5 of the Government Code, of base fines resulting from arrests not subject to allocation under paragraph (1) of subdivision (b) of Section 1463.001, by a California Highway Patrol Officer on state highways constructed as freeways within the city whereon city police officers enforced the provisions of the Vehicle Code on April 1, 1965, 25 percent shall be deposited in the treasury of the appropriate city, 75 percent shall be deposited in the proper funds of the county.

SEC. 52. Section 1463.007 of the Penal Code is amended to read:

1463.007. Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect fines and forfeitures which have not been paid after 60 days from the date on which they were due and payable, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least one hundred dollars (\$100), may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. This section does not

apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's tax intercept program.
- (h) The use of Department of Motor Vehicle information to locate delinquent debtors.
- (i) The use of wage and bank account garnishments.
- (j) The imposition of liens on real property and proceeds from the sale of real property held by a title company.
- (k) The filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.
- (l) Coordination with the probation department to locate debtors who may be on formal or informal probation.
- (m) The initiation of drivers' license suspension actions where appropriate.
- (n) The capability to accept credit card payments.

SEC. 53. Section 1463.009 of the Penal Code is amended to read:

1463.009. Notwithstanding Section 1463, all bail forfeitures that are collected from any source in a case in which a defendant is charged and convicted of a violation of Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or of a violent felony as defined in subdivision (c) of Section 667.5 or a serious felony as defined in subdivision (c) of Section 1192.7, and that are required to be deposited with the county treasurer shall be allocated according to the following priority:

- (a) The county shall be reimbursed for reasonable administrative costs for the collection of the forfeited property, the maintenance and preservation of the property, and the distribution of the property pursuant to this section.
- (b) Out of the remainder of the forfeited bail money, a total of up to 50 percent shall be distributed in the amount necessary to satisfy any civil court judgment in favor of a victim as a result of the offense or a restitution order due to a criminal conviction to a victim who was under 18 years of age at the time of the commission of the offense if

the defendant is convicted under Section 261, 264.1, 286, 288, 288a, 288.5, or 289, and to a victim of any age if the defendant has been convicted of a violent felony as defined in subdivision (c) of Section 667.5 or a serious felony as defined in subdivision (c) of Section 1192.7.

(c) The balance of the amount collected shall be deposited pursuant to Section 1463.

SEC. 54. Section 1463.010 is added to the Penal Code, to read:

1463.010. The enforcement of court orders is recognized as an important element of collections efforts. Therefore, the courts and counties shall maintain the collection program which was in place on January 1, 1996, unless otherwise agreed to by the court and county. The program may wholly or partially be staffed and operated within the court itself, may be wholly or partially staffed and operated by the county, or may be wholly or partially contracted with a third party.

SEC. 55. Section 1463.01 of the Penal Code is repealed.

SEC. 56. Section 1463.07 is added to the Penal Code, to read:

1463.07. An administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited by the county auditor in the general fund of the county. This subdivision applies only to convictions occurring on or after the effective date of the act adding this subdivision.

SEC. 57. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to ten dollars (\$10) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and 70 percent of the balance shall then be transmitted to the State Treasury, to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the county general fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent

of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars (\$850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars (\$850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month. However, the amount of funds transferred into the Traumatic Brain Injury Fund for the 1996–97 fiscal year shall not exceed the amount of five hundred thousand dollars (\$500,000). Thereafter, funds shall be transferred pursuant to the requirements of this section.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

SEC. 58. Section 11205.1 is added to the Vehicle Code, to read:

11205.1. The fee authorized in subdivision (m) of Section 11205 shall be applicable only in those instances where a traffic violator has agreed to attend or has been ordered to attend a traffic violator school pursuant to Section 42005, a licensed driving school, or any other court-approved program for driving instruction.

SEC. 59. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail”

means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) (1) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) Commencing July 1, 1998, for fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.

(c) As used in this section, “court-supervised program” includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator’s school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

SEC. 60. Section 42007.1 is added to the Vehicle Code, to read:

42007.1. (a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars (\$24).

(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the twenty-four dollar (\$24) fee collected under this section shall be deposited in the county general fund.

SEC. 61. The Judicial Council shall forward information regarding the fiscal impact of pending legislation affecting courts to the Legislature when the council deems that the information will assist the Legislature in its consideration of the legislation.

SEC. 62. (a) There shall be a Civil Delay Reduction Team comprised of judges assigned by and under the authority of the Chief Justice.

(b) The primary responsibility of the team is to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases.

(c) Team judges will be assigned by the Chief Justice after taking into account the following.

(1) The number of delayed civil cases in each county and court.

(2) The delay in processing civil cases.

(3) The age of inventory of cases, with greater weight to be given to cases with a long delay without resolution.

(4) The average length of time needed to dispose of civil cases.

(5) The adverse impact on civil litigants.

(6) The likelihood that utilization of the team will encourage effective and efficient use of existing local court resources.

(d) Delay reduction team assignments shall be for the purpose of supplementing civil court resources, and shall not be made for the purpose of supplanting a judge currently assigned to the civil court calendar.

(e) During the 1997–98 fiscal year, special attention shall be given to those counties and courts where civil delay is much greater than the state average delay for all trial courts.

(f) The Judicial Council shall report to the Legislature annually on the assignment of team judges and the impact on civil case delay reduction.

(g) This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 63. As provided in the Budget Act of 1997, of funds appropriated in Schedule (a) of Item 0450-101-0932 of the Budget Act of 1997, the Judicial Council shall transfer up to two million dollars (\$2,000,000) to Schedule (c) of that item for support of the Civil Delay Reduction Team established by this act.

SEC. 64. No provision of this act shall be deemed to constitute a mandate upon a county because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, effectively relieves a county of the responsibility to provide otherwise increasing funds to the trial courts to help finance their operations.

SEC. 65. No provision of this act shall be deemed to constitute a mandate upon a trial court because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, directly benefits the trial courts

through the provision of more adequate, consistent, and stable financial support for their operations.

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